

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

FELICIA WARDELL,

Defendant.

NO: CR-2:15-CR-0095-RMP

PROTECTIVE ORDER AND ORDER  
GRANTING MOTION FOR  
DISCLOSURE TO DEFENSE  
COUNSEL BUT NOT UNSEALING

BEFORE THE COURT are the United States' Motion for Disclosure to Defense Counsel but not Unsealing, ECF No. 17, and the United States' Motion for Protective Order, ECF No. 18. The Court has reviewed the record, the pleadings contained therein, and is fully informed.

The Government recognizes the need for defense counsel to access affidavits in support of search warrants that are currently sealed that contain information necessary for counsel to prepare a defense or enter plea negotiations. However, these documents contain information pertaining to ongoing investigations. The

1 Government therefore requests that this Court approve disclosure to defense  
2 counsel but not unsealing of the following documents:

3 Application and Affidavit for Search Warrant, Search Warrant and  
4 Attachments, Search Warrant Returns Re: MJ-14-329, MJ-14-329 Amended,  
5 MJ-14-330, MJ-14-331, MJ-14-338, MJ-14-339, MJ-14-340, MJ-14-350,  
6 MJ-14-371, MJ-14-376, MJ-14-380

7 The Government also seeks permission to refer to the existence of and the  
8 contents of these materials during court proceedings and for defense counsel to be  
9 granted the same. Additionally, the Government seeks a Protective Order  
10 regarding these documents and justifies their request by citing safety concerns and  
11 concerns regarding the integrity of ongoing investigations. Defense counsel has  
12 not filed any objection to either of the Government's motions. The Government  
13 includes requests for expedited hearings within the present motions, but pursuant  
14 to Local Rule 7.1 (h)(2)(C), such requests are properly made in a separate motion  
15 to expedite with a hearing date that is not less than seven days after the motion's  
16 filing.

17 In light of the foregoing considerations, this Court finds good cause to allow  
18 the Government to disclose the documents referenced above, to allow the parties to  
19 refer to their existence and their contents during court proceedings, and to issue a  
20 Protective Order.

21 Accordingly, **IT IS HEREBY ORDERED:**

- 1       1. The United States' Motion for Disclosure to Defense Counsel but not  
2       Unsealing, **ECF No. 17**, is **GRANTED**.
- 3       2. The United States' Motion for Protective Order, **ECF No. 18**, is  
4       **GRANTED**.
- 5       3. The following documents shall be disclosed to defense counsel but will  
6       otherwise remain sealed:  
7       Application and Affidavit for Search Warrant, Search Warrant and  
8       Attachments, Search Warrant Returns Re: MJ-14-329, MJ-14-329  
9       Amended, MJ-14-330, MJ-14-331, MJ-14-338, MJ-14-339, MJ-14-340,  
10      MJ-14-350, MJ-14-371, MJ-14-376, MJ-14-380  
11      4. The United States will provide discovery materials on an on-going basis  
12      to defense counsel;  
13      5. Defense counsel may possess but not copy (excluding the production of  
14      necessary working copies) the discovery materials, including sealed  
15      documents;  
16      6. Defense counsel may show to and discuss with the Defendant the  
17      discovery material, including sealed documents;  
18      7. Defense counsel shall not provide originals or copies of sealed discovery  
19      materials directly to Defendant;  
20      8. Defense counsel shall not otherwise provide originals or copies of the  
21      sealed discovery material to any other person, excluding subsequently  
    appointed or retained defense counsel and any staff of defense counsel or

investigator and/or expert engaged by defense counsel who will also be bound by the terms and conditions of this Protective Order;

9. The United States and defense counsel may reference the existence of and contents of sealed discovery material in open and closed court proceedings relevant to 2:15-CR-95-RMP.

10. The parties reserve the right to seek relief from the Protective Order should the need arise.

The District Court Clerk is directed to enter this Order and provide copies to counsel.

**DATED** this 5th day of November 2015.

*s/ Rosanna Malouf Peterson*

---

ROSANNA MALOUF PETERSON  
Chief United States District Court Judge